IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL No. 155 OF 2004

Daji K. Veerkar .... Appellant

Vs.

Hiraman J. Veerkar ... Respondent

Mr. N. Y. Katkar and Mr. M. A. Patil, advocate for appellant.

Mr. Dilip Bodke, advocate for respondent.

CORAM : Dr. S. RADHAKRISHNAN, J.

DATE : JUNE 20, 2006.

P.C.

. Heard the learned counsel for the appellant and the respondent. In the above the trial Court had dismissed the suit for declaration, injunction and alternative prayer for partition. The lower appellate Court had reversed the same and has held that the plaintiff has one half share in the suit property. The learned counsel for the Appellant raised the issue of limitation as a substantial question of law as to limitation. Perused paragraph 20 of the lower Appellate Court's order, dealing with the issue of limitation. The lower Appellate Court has rightly observed that as and when the defendant started obstructing for the the first time on 30-8-1982, the above suit was filed in 1982

itself for declaration, injunction and alternatively for partition, hence very much within limitation. Under these circumstances, there is no substantial question of law involved in this appeal. Hence, appeal stands dismissed.

[Dr. S. RADHAKRISHNAN, J.]